

**John A. Bennett**, OSB #750407  
E-Mail: john.bennett@bullivant.com  
**Andrew E. Passmore**, OSB #106704  
E-Mail: drew.passmore@bullivant.com  
BULLIVANT HOUSER BAILEY PC  
300 Pioneer Tower  
888 SW Fifth Avenue  
Portland, Oregon 97204-2089  
Telephone: 503.228.6351  
Facsimile: 503.295.0915  
Attorneys for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

MARCUS AND JERALI BLACKMON,

Plaintiffs,

v.

WEST AMERICAN INSURANCE  
COMPANY, an Indiana corporation,

Defendant.

Civil No.: 3:14-cv-01573

**NOTICE OF REMOVAL**

TO: Clerk of the Court,  
AND TO: Marcus and Jerali Blackmon; and  
AND TO: Fred Millard and Douglas Bragg, Millard & Bragg, Attorneys for  
Plaintiff

PLEASE TAKE NOTICE that under 28 U.S.C. §§ 1332, 1441, and 1446, Defendant  
West American Insurance Company ("Defendant") removes to this Court the state court  
action described below. In support of this notice, Defendant states as follows:

**Bullivant|Houser|Bailey PC**

300 Pioneer Tower  
888 SW Fifth Avenue  
Portland, Oregon 97204-2089  
Telephone: 503.228.6351

**NOTICE OF REMOVAL**  
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1. On June 6, 2014, Plaintiffs Marcus and Jerali Blackmon (“Plaintiffs”) filed an action in the Circuit Court of the State of Oregon for the County of Clackamas captioned *Marcus and Jerali Blackmon v. Safeco Insurance Company of America, Liberty Northwest Insurance Corporation, and Liberty Mutual Group, Inc.*, Case No. 14060186 (the “State Court Action”).

2. The State Court Action is a civil action for damages.

3. The original defendants in the State Court Action were Safeco Insurance Company of America, Liberty Northwest Insurance Corporation, and Liberty Mutual Group, Inc.

4. Liberty Northwest Insurance Corporation is an Oregon corporation with its principal place of business in Oregon. At the time of the filing of the original Complaint in the State Court Action, no diversity jurisdiction existed.

5. On September 12, 2014, Defendant was served by mailing with Plaintiffs’ First Amended Complaint in the State Court Action. The First Amended Complaint named West American Insurance Company as the sole Defendant in the action.

6. Defendant is filing this Notice of Removal within thirty (30) days after service of the First Amended Complaint upon it. Thus, under 28 U.S.C. § 1446(b)(3), Defendant’s time to remove and to respond to the First Amended Complaint has not yet expired.

**A. This Court Has Removal Jurisdiction Based Upon Complete Diversity of the Parties and the Requisite Amount in Controversy.**

7. The State Court Action may be removed to this Court pursuant to 28 U.S.C. § 1441 because this Court has original jurisdiction under 28 U.S.C. § 1332 based upon the complete diversity between the parties.

8. Plaintiffs are citizens of the state of Oregon.

9. Defendant is an Indiana corporation, with its principal place of business in the State of Massachusetts.

10. Plaintiff's First Amended Complaint seeks damages in the amount of \$167,183.00 for Count 1, \$167,183.00 for Count 2, and \$340,000 for Count 3. As required by 28 U.S.C. § 1332, the amount in controversy, excluding costs and interest, is in excess of \$75,000.

**B. Venue.**

11. Venue is proper in the United States District Court for the District of Oregon because Plaintiff alleges in the First Amended Complaint that the property loss occurred at 16215 SE Bluff Road, Sandy, Oregon, 97055. Pursuant to LR 3-2, the Portland Division is the proper division for filing because the allegations involve property located in Clackamas County.

**C. Procedure After Removal.**

12. The process, pleadings, and orders served upon Defendant in this action are the summons and original Complaint and the First Amended Complaint. In accordance with 28 U.S.C. § 1446(a), true and correct copies of these pleadings, process, and orders, as well as all additional records and proceedings in the state court, are attached as Exhibit A to this Notice of Removal.

13. In accordance with 28 U.S.C. § 1446(d), Defendant will file in the Clackamas County Circuit Court a Notice to Plaintiff and the State Court Clerk of Removal to U.S. District Court, attached to which will be a copy of this Notice of Removal.

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14. By filing this Notice of Removal, Defendant does not waive, and it expressly reserves, all rights, defenses, or objections of any nature that it may have to Plaintiffs' claims.

DATED: October 6, 2014

BULLIVANT HOUSER BAILEY PC

By /s/ John A. Bennett

**John A. Bennett**, OSB #750407

**Andrew E. Passmore**, OSB #106704

Telephone: 503.228.6351

Attorneys for Defendant

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